

FINAL
Minutes of the Regular Planning Board Meeting
Monday, March 24, 2008

1. CONVENE: 7:00 p.m.
2. FLAG SALUTE: Board member McNamara.
3. ROLL CALL: President Cook, Vice President Kohlstrand, Board Members Cunningham and McNamara.

Board members Ezzy Ashcraft and Lynch were absent from roll call.

Also present were Jon Biggs, Planning Services Manager, Assistant City Attorney Farimah Faiz, and Zach Seal, Planner I.

4. MINUTES:
 - a. Minutes for the meeting of November 13, 2007.

President Cook noted that the first full paragraph of page 6 should be changed to read “President Cook noted that she generally agreed with the *increased height on the Mervyn’s building plan*. She expressed concern about the parking *garage and its effects on pedestrian safety*.” She noted that a new second-to-last paragraph should be added: “President Cook agreed with Board member Ezzy Ashcraft that the current crosswalks at Shoreline do not connect with the sidewalks into South Shore and believed that the current crosswalks should line up with the crosswalks on the other side.”

President Cook believed the crosswalks were very important, and noted that articles on South Shore rarely, if ever, mentioned the proposed garage. She believed it was important for the public to be aware of the proposed parking structure.

In response to an inquiry by Board Member McNamara whether the parking garage was on the table now that Target was no longer in the picture, Mr. Biggs replied that he would check on that issue and return to the Board.

Board member Cunningham noted that in the minutes, Board Member McNamara was indicated as being present and absent at the same time.

President Cook noted that there was not a quorum to vote on the minutes, and that they would be voted upon at the meeting of April 14, 2008.

- b. Minutes for the meeting of February 11, 2008.

Board member Cunningham noted that page 1, third paragraph from the bottom, should be changed to read, “...*President Cook* ~~she~~ was concerned...”

Board member Cunningham noted that page 3, the middle paragraph should be changed to read, "Board Member Cunningham moved to adopt the minutes of *January 28, 2008* ~~December 10, 2007.~~"

Vice President Kohlstrand noted that on page 9, the vote taken on Marina Village Parkway indicated that it was a unanimous "Aye" vote. She wished to correct the vote to reflect that she voted against that item.

President Cook noted that page 7, paragraph 2, should be changed to reflect that she had used some of the day care centers behind Marina Village, and found that people cut through the area in many different ways, and that it felt very unsafe to drive in that area.

Board Member Lynch arrived during this item.

Board Member Lynch noted that page 4 discussed the MTC dollars, and inquired when it would be appropriate to discuss that item further.

President Cook suggested that it be discussed under Item 6.

Board Member Cunningham moved to approve the minutes of February 11, 2008, as amended.

Board Member McNamara seconded the motion, with the following voice vote – 5. Noes: 0 Absent: 1 (Ezzy Ashcraft). The motion passed.

c. Minutes for the meeting of February 25, 2008.

Board member Cunningham noted that page 8, in the middle of the page, the phrase "the following conditions will be added:" before the list of conditions.

President Cook requested that these minutes be considered at the next meeting because she would like to review the audio regarding her concerns about the project. She added that there were some citizen concerns regarding the project, and she would like her comments to be fully reflected.

Vice President Kohlstrand noted that page 11, paragraph 2, should be changed to read, "She suggested that a bike lane be added, and cited Portland and Emeryville as examples of using *narrower* ~~wide~~-bioswale treatments in more urban settings, where much less space was used to provide drainage." She noted that the point was to narrow it down to create more space on the roadway for bicycles and pedestrians.

President Cook noted that there was not a quorum to vote on the minutes.

5. AGENDA CHANGES AND DISCUSSION: None.

6. PRESENTATIONS:

- a. Resolution of Appreciation for former Board Member Gina Mariani.

President Cook noted that Ms. Mariani was not in attendance but wished to read the commendation into the record:

“A Resolution of Farewell and Commendation for Gina Mariani”

Whereas, Gina Mariani, was appointed as a member of the Planning Board on November 4, 2003; and

Whereas, Gina Mariani, has also served Alameda as a member of the Oakland Chinatown Advisory Committee; and

Whereas, Gina Mariani, has earned the respect of her fellow Board members and City Staff for her clear and consistent contributions to numerous development projects throughout her tenure; and

Whereas, the Planning Board and City Staff wishes to thank Gina Mariani for her constant support, experience, expertise, invaluable insight and good humor; and

Whereas, her concern for the welfare of the Citizens of Alameda and the future development of our City were always apparent when balancing neighborhood issues with the economic goals of the City.

Therefore be it resolved that the Planning Board of the City of Alameda acknowledges her valuable contributions to the City of Alameda, and wishes her future happiness and continued involvement in community issues.

Passed and adopted by the Planning Board of the City of Alameda on the 10th day of March, 2008.

- b. Staff Communications – Future Agendas

Mr. Biggs provided an update on future agenda items.

In response to an inquiry by Vice President Kohlstrand whether the Fernside project would return to the Planning Board, Mr. Biggs replied that the project had been revised to eliminate the need for any variances. He noted that it would go to the Historical Advisory Board, and that staff would update the Board on the progress.

Board member Lynch noted that on page 4 of 13 of the February 11, 2008, Draft Minutes, the Planning Board received a report from Barbara Hawkins, which identified a

number of options that would affect traffic throughout Chinatown in Oakland, particularly how the circulation patterns would affect Oakland and Alameda residents. He noted that funding was identified, and another public agency stepped forward to provide funds for the study. He noted that a separate branch of government in Oakland was moving forward on an entitlement project on the same site that another branch of government, using public funds. He believed that it was odd that various departments within the City of Oakland worked at cross-purposes with public funds. He requested a status report on that situation, what the City of Alameda's role was in that, and whether Alameda wished to continue moving forward.

7. ORAL COMMUNICATION: None.

8. CONSENT CALENDAR: None.

8-A. **PM07-0003 – 717 Paru Street.** The applicant is requesting a parcel map to divide a 92,053.03-square-foot parcel into two parcels. One parcel with an existing single-family residence would be 17,051.13-square-feet, and the remaining parcel would be 75,001.9 square feet. The 75,001.9-square foot parcel would contain an existing cabana, with the majority of the parcel located within the lagoon. The site is located within an R-1, Single-Family Residential Zoning District (DB).
Recommended for continuance to a future meeting.

President Cook noted that one speaker slip had been received.

The public hearing was opened.

Ms. Lisa Zenner, 1612 Dayton Avenue, noted that she had been noticed for this item, and would like to be notified if an item would not be heard. She noted that it had been continued twice, and she would like to know so she did not show up.

In response to an inquiry by Board member McNamara whether the agenda was available on the City's website, Mr. Biggs confirmed that the Planning Board agendas were available on the site.

Ms. Zenner requested that she be emailed if an item was continued. Mr. Biggs invited her to leave her email with staff.

In response to an inquiry by Vice President Kohlstrand whether new construction was proposed, and if not, why there were environmental concerns, Mr. Biggs replied that it was not. The site was listed as a Historic Resource, and staff felt that appropriate environmental review was necessary so it did not have significant impact on the resource. Historians and other experts were being consulted to gather appropriate documentation.

President Cook apologized on behalf of the City that Ms. Zenner had to attend when the item was continued, and noted that there was not sufficient staff to make those calls.

Board member Cunningham moved to continue this item to a future meeting.

Vice President Kohlstrand seconded the motion, with the following voice vote – 5. Noes: 0 Absent: 1 (Ezzy Ashcraft). The motion passed.

9. REGULAR AGENDA ITEMS:

9-A. PLN07-0020 – 2243 Santa Clara Avenue. The applicant requests a Major Design Review and Variance to attach a two-story covered deck. A Variance is required for this project because both decks will be closer to the rear property line than permitted by the Zoning code. The property is located within the R-6)Hotel Residential) zoning district (ZS).

Mr. Seal presented the staff report. Staff recommended that the Planning Board find that the project will not cause significant adverse effects to the physical environment, is Categorically Exempt from environmental review, and approve Major Design Review and Variance PLN07-0020, with conditions, based on the findings contained in the Draft Resolution.

The public hearing was opened.

Mr. Italo Calpestri, project architect, noted that the upper drawings illustrated the existing conditions, and that the lower drawings illustrated the proposed conditions. He noted that the two citrus trees had been on the property for many years, and added that the applicant had taken good care of the strip of land for many years. He noted that the windowless wall of the Elks Lodge was windowless and painted white, which would provide reflected sun to the units. He added that the decks were a good amenity for the units.

Mr. Falkner noted that he was a trustee of the Elk's Lodge and spoke in opposition to this project. They opposed the variance because they believed it would prejudice future plans for building in the existing Elks parking lot to raze and convert their gym so they could serve their female membership. The gym was built in 1921, and the lodge was built in 1913. The Lodge itself is very underpowered, and as an electrical engineer, he noted that they had developed a proposal for an upgrade to the building, including a new entrance. They did not want to jeopardize the placement of the transformer, which would provide service to the site. He also wanted to ensure that emergency access would be available in the future. He did not believe this project would be compatible with the Lodge's future plans until they were able to undertake future review.

Mr. Ed Hershberg, applicant, noted that this property had been in his family for 20 years, and added that the tenants in the lower unit, Unit D, have asked him if they could access the rear yard from their unit to plant a small garden, and enjoy the outdoors. He received initial positive feedback from Mr. Calpestri. He believed the access to the rear yard would encourage increased maintenance of the backyard and enable the tenants to enjoy the back yard. He did not believe this proposed project would negatively impact the Elks

Lodge, and could not speak to potential impacts to future plans for the Lodge. He noted that they had been friendly neighbors for 40 years, that his own father had been a member, and that 25% of their tenants had been Elks as well.

Dr. Healey noted that he is a 47-year member of the Elks Lodge, and that they had been working hard to increase their membership, and to implement needed improvements. He understood the Lodge's position, and also understood the applicant's position.

The public hearing was closed for Board discussion.

Mr. Seal noted that the legal nonconforming use was legal, but could not be expanded. Without a variance, this would be considered to be an expansion of a legal nonconforming use, which would not be allowed. He noted that the City did not consider a deck to be an expansion of a legal nonconforming use if the footprint was the same. It was considered to be an accessory use to the legal nonconforming use.

In response to an inquiry by Board member McNamara whether there had been any effort to get the two parties together to gain resolution, Mr. Seal replied that there was, in an effort to reach a compromise, but that was not resolved.

In response to an inquiry by Vice President Kohlstrand where the proposed transformer would be placed, Mr. Falkner replied that it would be in the first handicapped slot going into the property. The transformer would be approximately four-feet-six-inches. Vice President Kohlstrand did not believe that was the best location for a transformer, but it was not under discussion at this time.

President Cook believed there should be a discussion between the Planning Board, APT and staff regarding view corridors during design reviews and the subsequent placement of transformers in those view corridors. She was dismayed that the time and care put into those design reviews was undone by the placement of a transformer. She would like some guidelines to be developed to address that issue.

Mr. Falkner noted that was the only location available for the transformer.

Board member Cunningham believed the addition of a deck would improve the quality of life for the tenants. He would like to find a way to make the use more legal, and believed the addition would impact the density and open space of the use. He believed the property should be examined in its current state, without considering potential future changes. He was unable to make the first finding of extraordinary circumstances, and that while the property was developed in the 1940s, before the AMC was put in place, the circumstances of the property were not very unique. He noted that a deck did not provide habitable space by Code, but that it would increase the amount of usable space by the tenants. He could not support this variance in its current state.

Vice President Kohlstrand expressed concern about equity, and that the four units did not all have access to the backyard. She noted that by providing access to the backyard for the rear

two apartments, the open space for the front two apartments was diminished. She believed this created an inequitable situation.

Board member Lynch noted that several of the issues were not under consideration by the Planning Board at this point. He noted that the procedural issues of a nonconforming use were addressed by Board member Cunningham. He believed that zoning and General Plan processes were a broad-brush effort, as is the nature of a public body. As the zoning texts are updated, he believed this property fit into the category of a building constructed during an earlier time period, which was not recognized by the existing zoning codes beyond being a legal nonconforming use. He hoped this property would be with the applicant's family for 40 more years.

Board member McNamara expressed concern about the citrus tree in the backyard. Mr. Seal noted that the tree was planted on the Elks property, but that the branches reached over the applicant's property; the applicant would be able to cut the branches that encroached over his property, but would not be able to do anything to the tree itself.

Board member McNamara did not support the argument from the applicant that the lighting would be affected, and believed that the reflection from the building would improve the lighting.

President Cook agreed with the Board members' comments, and did not consider this property to be unique. She noted that many larger apartment buildings did not have private decks, and did not want to enter a slippery slope of the expectation of a deck. She was concerned that the back yard would be restricted because of private decks.

Board member Cunningham moved to adopt Draft Planning Board Resolution to deny a Major Design Review and Variance to attach a two-story covered deck. A Variance is required for this project because both decks will be closer to the rear property line than permitted by the Zoning code.

Vice President Kohlstrand seconded the motion, with the following voice vote – 5. Noes: 0 Absent: 1 (Ezzy Ashcraft). The motion passed.

10. WRITTEN COMMUNICATIONS: None.

- a. **Shinsei Gardens Apartments – 401 Wilver “Willie” Stargell Avenue** – Description of proposed changes to project entrance design (AT).

Mr. Biggs noted that a letter had been provided to the Planning Board, which included elevations showing the original approval and the revised design of the project.

11. BOARD COMMUNICATIONS:

President Cook noted that a Preservation Alert from the Alameda Architectural Preservation Society had been received regarding the charrette and community visioning for the North of Lincoln area. She believed their comments were very interesting.

President Cook thanked staff for removing the “non-reports” from the Board Communications agenda item.

12. ADJOURNMENT:

8:15 p.m.

Respectfully submitted,

Jon Biggs, Secretary
City Planning Board

This meeting was audio and video taped.